

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:13-HC-2227-FL

ANTHONY WAYNE MANGUM,)
)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
BUREAU OF PRISONS, and)
WARDEN S. HALLEMBAEK)
)
 Respondents.)

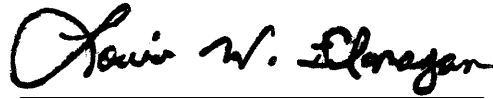
ORDER

Petitioner, a federal inmate, filed this habeas petition pursuant to 28 U.S.C. § 2241. The matter is before the court for a preliminary review under 28 U.S.C. § 2243. Also before the court is petitioner's motion for jail credit (DE 4), which this court construes as a motion to amend his petition.

The court allows petitioner's motion to amend as a matter of course. See Fed. R. Civ. P. 15(a). The court now conducts its preliminary review, pursuant to § 2243, of petitioner's petition and amended pleading. Section 2243 provides that the court need not seek a response from the respondent when it is clear on the face of the petition that petitioner is not entitled to relief. The court finds that petitioner is ALLOWED to proceed with his petition. The court, however, DISMISSES the United States of America and the Bureau of Prisons from this action as they are not proper party respondents for a habeas petition. See Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004); see 28 U.S.C. § 2242.

In summary, petitioner's motion to amend (DE 4) is GRANTED, and petitioner is ALLOWED to proceed. The Bureau of Prisons and the United States of America are DISMISSED from this action.

SO ORDERED, this the 8th day of April, 2014.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN
United States District Judge